

## REMARKS

In the Office Action, the Examiner rejects claims 1, 3-7, 9-11, 13, 19, and 50 under 35 U.S.C. § 103(a) as unpatentable over Dahlen (U.S. Patent No. 5,870,454) in view of Aktas et al. (U.S. Patent Application Publication No. 2003/0028604, hereinafter Aktas); rejects claims 14, 15, 32, and 33 under 35 U.S.C. § 103(a) as unpatentable over Dahlen in view of Aktas and further in view of Tullis et al. (U.S. Patent No. 5,802,314, hereinafter Tullis); rejects claims 16, 17, 35, and 52 under 35 U.S.C. § 103(a) as unpatentable over Dahlen in view of Aktas and further in view of Rodriguez et al. (U.S. Patent Application Publication No. 2002/0067806, hereinafter Rodriguez); rejects claims 18 and 36 under 35 U.S.C. § 103(a) as unpatentable over Dahlen in view of Aktas and further in view of Fortman et al. (U.S. Patent No. 5,987,100, hereinafter Fortman); rejects claims 20-29, 31, and 34 under 35 U.S.C. § 103(a) as being unpatentable over Dahlen in view of Aktas and further in view of Thro et al. (U.S. Patent No. 6,147,977, hereinafter Thro); rejects claim 43 under 35 U.S.C. § 103(a) as unpatentable over Dahlen in view of Aktas, further in view of Henrick (U.S. Patent No. 6,779,020), and further in view of Fortman; rejects claim 44 under 35 U.S.C. § 103(a) as unpatentable over Dahlen in view of Aktas, further in view of Henrick, further in view of Fortman, and further in view of Rodriguez; rejects claims 37-40, 48, and 49 under 35 U.S.C. § 103(a) as unpatentable over Dahlen in view of Tullis and further in view of Thro; rejects claim 41 under 35 U.S.C. § 103(a) as unpatentable over Dahlen in view of Tullis, further in view of Thro, and further in view of Aktas; rejects claims 42 and 45-47 under 35 U.S.C. § 103(a) as allegedly unpatentable over Dahlen in view of Aktas further in view of Henrick; and rejects claims 51 and 53 under 35 U.S.C. § 103(a) as unpatentable over Dahlen in view of Aktas and further in view of Rodriguez,

and further in view of Arumainayagam et al. (U.S. Patent No. 5,659,599, hereinafter Arumainayagam). The rejections are traversed.<sup>1</sup>

By this Amendment, Applicants amend claims 1, 5, 19, 20, 37, 38, 42, and 48 to improve form. No new matter has been introduced. Claims 1, 3-7, 9-11, 14-29, and 31-53 remain pending.

Claim Objections

Claims 1 and 48 stand objected to due to alleged informalities. The objection is respectfully traversed.

In particular, the Examiner alleges that the claim language, “at at least,” recited in claim 1 should instead be, “at least” (final Office Action – pages 3-4). Applicants respectfully submit that the subject claim language is grammatically correct and thus no amendment to claim 1 is needed in response to the Examiner’s concerns.

The Examiner also alleges that the claim language, “the receiving,” recited in claim 48 should instead be, “receiving” (final Office Action – pages 3-4). Without acquiescing in the objection, claim 48, amended as proposed, obviates the Examiner’s concerns.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to claims 1 and 48.

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<sup>1</sup> As Applicants’ remarks with respect to the Examiner’s rejections are sufficient to overcome these rejections, Applicants’ silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, reasons for modifying a reference and/or combining references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

Rejection under 35 U.S.C. § 103 Based on Dahlen and Aktas

Claims 1, 3-7, 9-11, 19, and 50 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Dahlen in view of Aktas. The rejection is respectfully traversed.

Independent claim 1, amended as proposed, is directed to a method that includes, among other things, requesting only the identified portions of a stored message (based on the user-defined criteria) from a receiving party's mailbox; and analyzing the requested portions of the message with respect to user-defined criteria to determine whether the message should be delivered to the receiving party based on one or more of the user-defined criteria. These features are not disclosed or suggested by Dahlen or Aktas, whether taken alone or in any reasonable combination.

For example, the Examiner alleges that Aktas discloses “identifying, based on the user-identified criteria, portions of the message to be analyzed against the user-defined criteria,” and “analyzing the identified portions of the message to determine whether the message should be delivered to the receiving party based on one or more of the user-defined criteria” (final Office Action – page 6, citing paragraphs 36, 38, 39, and 45 for support). Without regard to the accuracy of the Examiner’s allegation, Applicants respectfully submit that Aktas does not disclose or suggest the above particularly-recited features of claim 1, amended as proposed.

Aktas is directed to a multimedia messaging system that includes a mail server 10 and a mail processor 11 that includes a number of subsystems, including an analysis and summary subsystem 22 that analyzes and summarizes the text content of messages (Aktas – paragraph 36). Aktas discloses steps for sending voice messages to pagers, which include filtering messages that are to be processed (Aktas – paragraph 38). Aktas also discloses that messages are “pre-filtered,” and that voice messages that pass through the pre-filter are converted to text (Aktas –

paragraphs 38-39). Aktas further discloses that filtering is based on a variety of data including sender, message priority, etc., and the criteria for filtering are stored in a system profile 24 for the user (Aktas – paragraphs 38-39). Nowhere in the cited sections, or elsewhere, does Aktas disclose or suggest that analysis and summary subsystem 22 requests only the identified portions of a stored message (based on the user-defined criteria) from mail server 10; and analyzing the requested portions of the message with respect to user-defined criteria to determine whether the message should be delivered to the receiving party based on one or more of the user-defined criteria, as would be required by claim 1, amended as proposed. In contrast, Aktas merely discloses that messages are pre-filtered, and that filtering is based on a variety of criteria that are stored in system profile 24 for the user. Dahlen also fails to disclose or suggest the above particularly-recited features of claim 1, amended as proposed.

For at least these reasons, claim 1 is patentable over Dahlen and Aktas., whether taken alone or in any reasonable combination.

Claims 3-7, 9-11, and 50 variously depend from claim 1 and are, therefore, patentable over Dahlen and Aktas, whether taken alone or in any reasonable combination, for at least the reasons given above for claim 1.

Independent claim 19, amended as proposed, is directed to a system that includes, among other things, means for requesting from the means for obtaining the message, based on information in the user profile, only portions of the message to be tested with respect to the user profile; and means for testing the requested portions of the message with respect to the user profile. These features are not disclosed or suggested by Dahlen and Aktas, whether taken alone or in any reasonable combination.

The Examiner rejects claim 19 by generally referring to the rejection of claim 1 and without addressing the above particularly-recited features of amended claim 19, which were not recited previously in claim 1. Thus, the Examiner has not made a *prima facie* case of obviousness. In any event, the above particularly-recited features of claim 19 are not disclosed or suggested by Dahlen or Aktas, whether taken alone or in any reasonable combination, for at least reasons similar to the reasons given above for claim 1.

Claim 19 is patentable over Dahlen and Aktas, whether taken alone or in any reasonable combination, for at least reasons similar to the reasons given for claim 1.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 3-7, 9-11, 19, and 50 under 35 U.S.C. § 103 based on Dahlen and Aktas.

Rejection under 35 U.S.C. § 103 Based on Dahlen, Aktas, and Tullis

Claims 14, 15, 32, and 33 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Dahlen in view of Aktas, and further in view of Tullis. The rejection is respectfully traversed.

Claims 14 and 15 depend from claim 1. Without acquiescing in the rejection, the disclosure of Tullis does not remedy the above-identified deficiencies in the disclosures of Dahlen and Aktas with respect to claim 1. Thus, claims 14 and 15 are patentable over Dahlen, Aktas, and Tullis, whether taken alone, or in any reasonable combination, for at least the reasons given with respect to claim 1.

Applicants note that claims 32 and 33 depend from claim 20. Claim 20 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Dahlen in view of Aktas and further in view of THRO et al. Thus, the rejection of claims 32 and 33 based on Dahlen, Aktas, and Tullis

is improper. In any event, without acquiescing in the rejection, the disclosure of Tullis does not cure the deficiencies in the disclosures of Dahlen, Aktas and Thro set forth below with respect to claim 20.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 14, 15, 32, and 33 under 35 U.S.C. § 103 based on Dahlen, Aktas, and Tullis.

Rejection under 35 U.S.C. § 103 Based on Dahlen, Aktas, and Rodriguez

Claims 16, 17, 35, and 52 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Dahlen in view of Aktas, and further in view of Rodriguez. The rejection is respectfully traversed.

Claims 16, 17, and 52 depend from claim 1. Without acquiescing in the rejection, the disclosure of Rodriguez does not remedy the above-identified deficiencies in the disclosures of Dahlen and Aktas with respect to claim 1. Thus, claims 16, 17, and 52 are patentable over Dahlen, Aktas, and Rodriguez, whether taken alone, or in any reasonable combination, for at least the reasons given with respect to claim 1.

Applicants note that claim 35 depends from claim 20. Claim 20 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Dahlen in view of Aktas and further in view of THRO et al. Thus, the rejection of claim 35 based on Dahlen, Aktas, and Rodriguez is improper. In any event, Rodriguez does not cure the deficiencies in the disclosures of Dahlen, Aktas and Thro set forth below with respect to claim 20.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 16, 17, 35, and 52 under 35 U.S.C. § 103 based on Dahlen, Aktas, and Rodriguez.

Rejection under 35 U.S.C. § 103 Based on Dahlen, Aktas, and Fortman

Claims 18 and 36 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Dahlen in view of Aktas, and further in view of Fortman. The rejection is respectfully traversed.

Claim 18 depends from claim 1. Without acquiescing in the rejection, the disclosure of Fortman does not cure the above-identified deficiencies in the disclosures of Dahlen and Aktas with respect to claim 1. Thus, claim 18 is patentable over Dahlen, Aktas, and Fortman, whether taken alone, or in any reasonable combination, for at least the reasons given with respect to claim 1.

Applicants note that claim 36 depends from claim 20. Claim 20 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Dahlen in view of Aktas and further in view of Thro. Thus, the rejection of claim 36 based on Dahlen, Aktas, and Fortman is improper. In any event, without acquiescing in the rejection, the disclosure of Fortman does not cure the deficiencies in the disclosures of Dahlen, Aktas and Thro set forth below with respect to claim 20.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 18 and 36 under 35 U.S.C. § 103 based on Dahlen, Aktas, and Fortman.

Rejection under 35 U.S.C. § 103 Based on Dahlen, Aktas, and Thro

Claims 20-29, 31, and 34 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Dahlen in view of Aktas, and further in view of Thro. The rejection is respectfully traversed.

Independent claim 20, amended as proposed, is directed to a message delivery system that includes a message receiver configured to, among other things, generate a search query

based on the identified portions of the message; and obtain the identified portions of the message from the server, based on the search query, for analysis using the user profile data. These features are not disclosed or suggested by Dahlen, Aktas, and Thro whether taken alone or in any reasonable combination.

For example, in rejecting claim 20, at page 13 of the final Office Action, the Examiner alleges that Aktas discloses “identifying, based on the user-identified criteria, portions of the message to be analyzed against the user-defined criteria,” and “analyzing the identified portions of the message to determine whether the message should be delivered to the receiving party based on one or more of the user-defined criteria” (final Office Action – page 6, citing paragraphs 36, 38, 39, and 45 for support). Without regard to the accuracy of the Examiner’s allegation, Applicants respectfully submit that Aktas does not disclose or suggest the above particularly-recited features of claim 20, amended as proposed.

Aktas is directed to a multimedia messaging system that includes a mail server 10 and a mail processor 11 that includes a number of subsystems, including an analysis and summary subsystem 22 that analyzes and summarizes the text content of messages (Aktas – paragraph 36). Aktas discloses steps for sending voice messages to pagers, which include filtering messages that are to be processed (Aktas – paragraph 38). Aktas also discloses that messages are “pre-filtered,” and that voice messages that pass through the pre-filter are converted to text (Aktas – paragraphs 38-39). Aktas further discloses that filtering is based on a variety of data including sender, message priority, etc., and the criteria for filtering are stored in a system profile 24 for the user (Aktas – paragraphs 38-39). Nowhere in the cited sections, or elsewhere, does Aktas disclose or suggest that analysis and summary subsystem 22 generates a search query based on the identified portions of the message; and obtains the identified portions of the message from

mail server 10, based on the search query, for analysis using the user profile data, as would be required by claim 20, amended as proposed. In contrast, Aktas merely discloses that messages are pre-filtered, and that filtering is based on a variety of criteria that are stored in system profile 24 for the user. Dahlen and Thro also fail to disclose or suggest the above particularly-recited features of claim 20, amended as proposed.

For at least these reasons, claim 20, amended as proposed, is patentable over Dahlen, Aktas, and Thro, whether taken alone or in any reasonable combination.

Claims 21-29, 31, and 34 variously depend from claim 20 and are, therefore, patentable over Dahlen, Aktas, and Thro, whether taken alone or in any reasonable combination, for at least the reasons given above for claim 20.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 20-29, 31, and 34 under 35 U.S.C. § 103(a) based on Dahlen, Aktas, and Thro.

Rejection under 35 U.S.C. § 103 Based on Dahlen, Tullis, and Thro

Claims 37-40, 48, and 49 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Dahlen in view of Tullis, further in view of Thro. The rejection is respectfully traversed.

Independent claim 37, amended as proposed, is directed to a computer-readable storage device that stores instructions executable by at least one computer to perform a method for presenting a message to a receiving party, which includes, among other things, instructions for requesting from a message server, based on information in a user profile associated with a receiving party, select portions of a stored message for analysis using user profile information to

determine whether the message is to be converted. These features are not disclosed or suggested by Dahlen, Tullis, and Thro, whether taken alone, or in any reasonable combination.

For example, the Examiner alleges that Thro discloses “requesting, based on information in a user profile associated with the receiving party, portions of the message for analysis using the user profile information to determine that the message is to be converted,” citing col. 3, lines 1-6 and 52-59; col. 5, lines 26-45; col. 6, lines 1-15; and col. 7, lines 25-44 of Thro for support (final Office Action – page 17). The Examiner alleges that since Thro’s system transmits messages based on user defined criteria and the messages must include header information, it necessarily follows that the header information (which the Examiner equates to “portions” of the message) “must be analyzed with respect to user defined criteria in order to transmit the message. Applicants respectfully disagree with the Examiner’s interpretation of Thro.

For example, Thro is directed to message processing in which a server 12, 52 filters incoming calls based on a priority matrix of a receiving party 54 that includes the originator priority, to where, and by what means a receipt notification is to be sent to receiving party 54 (Thro – col. 3, lines 51-52; col. 4, lines 46-50; and Fig. 2). Thro may disclose that message notification 58 is sent to receiving party 54 based on a priority matrix of receiving party 54, but this does not correspond to instructions for requesting from server 12 or 52, based on information in a user profile associated with receiving party 54, select portions of stored message 56 for analysis using user profile information to determine whether message 56 is to be converted, as would be required by claim 37, amended as proposed.

In contrast, Thro discloses that it is server 12, 52 that receives message 56 and thereafter filters message 56 based on the priority matrix. Thus, Thro cannot disclose requesting from server 12, 52, select portions of stored message 56 for analysis using user profile information to

determine that message 56 is to be converted. Moreover, Thro may disclose reviewing the entirety of each received message 56 (Thro – col. 4, lines 54-59), but this does not correspond to requesting select portions (based on information in a user profile associated with a receiving party) of stored message 56 from server 12, 52 for analysis, as would be required by claim 37, amended as proposed. Dahlen and Tullis also fail to disclose or suggest the above particularly-recited features of claim 37, amended as proposed.

For at least these reasons, claim 37, amended as proposed, is patentable over Dahlen, Tullis, and Thro, whether taken alone, or in any reasonable combination.

Claims 38-40 depend from claim 37 and are, therefore, patentable over Dahlen, Tullis, and Thro, whether taken alone, or in any reasonable combination, for at least reasons given with respect to claim 37.

Independent claim 48, amended as proposed, recites features similar to the features of claim 37 and is, therefore, patentable over Dahlen, Tullis and Thro, whether taken alone or in any reasonable combination, for at least reasons similar to the reasons given above with respect to claim 37.

Claim 49 depends from claim 48 and is, therefore, patentable over Dahlen, Tullis and Thro, whether taken alone or in any reasonable combination, for at least the reasons given for claim 48.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 37-40, 48, and 49 under 35 U.S.C. § 103(a) based on Dahlen, Tullis, and Thro.

Rejection under 35 U.S.C. § 103 Based on Dahlen, Tullis, Thro, and Aktas

Claim 41 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Dahlen in view of Tullis, further in view of Thro, and further in view of Aktas. The rejection is respectfully traversed.

Claim 41 depends from claim 40. Without acquiescing in the rejection, the disclosure of Aktas does not remedy the above-identified deficiencies in the disclosures of Dahlen, Tullis, and Thro with respect to claim 40. Thus, claim 40 is patentable over Dahlen, Tullis, Thro, and Aktas, whether taken alone, or in any reasonable combination, for at least the reasons given with respect to claim 40.

Rejection under 35 U.S.C. § 103 Based on Dahlen, Aktas, and Henrick

Claims 42 and 45-47 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Dahlen in view of Aktas further in view of Henrick. The rejection is respectfully traversed.

Independent claim 42, amended as proposed, recites features similar to the features of claim 1. The disclosure of Henrick does not cure the above-identified deficiencies in the disclosures of Dahlen and Aktas with respect to claim 1. Thus, claim 42, amended as proposed, is patentable over Dahlen, Aktas, and Henrick, whether taken alone or in any reasonable combination, for at least reasons similar to the reasons given above with respect to claim 1.

Claims 45-47 depend from claim 42 and are, therefore, patentable over Dahlen, Aktas, and Henrick, whether taken alone or in any reasonable combination, for at least the reasons given for claim 42.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 42 and 45-47 under 35 U.S.C. § 103(a) based on Dahlen, Aktas, and Henrick.

Rejection under 35 U.S.C. § 103 Based on Dahlen, Aktas, Henrick, and Fortman

Claim 43 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Dahlen in view of Aktas, further in view of Henrick, and further in view of Fortman. The rejection is respectfully traversed.

Claim 43 depends from claim 42. Without acquiescing in the rejection, the disclosure of Fortman does not remedy the above-identified deficiencies in the disclosures of Dahlen, Aktas, and Henrick with respect to claim 42. Thus, claim 43 is patentable over Dahlen, Aktas, Henrick, and Fortman, whether taken alone, or in any reasonable combination, for at least the reasons given with respect to claims 42.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 42 under 35 U.S.C. § 103 based on Dahlen, Aktas, Henrick, and Fortman.

Rejection under 35 U.S.C. § 103 Based on  
Dahlen, Aktas, Henrick, Fortman, and Rodriguez

Claim 44 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Dahlen in view of Aktas, further in view of Fortman, and further in view of Rodriguez. The rejection is respectfully traversed.

Claim 44 depends from claim 43. Without acquiescing in the rejection, the disclosure of Rodriguez does not remedy the above-identified deficiencies in the disclosures of Dahlen, Aktas, Henrick, and Fortman with respect to claim 43. Thus, claim 44 is patentable over Dahlen, Aktas, Henrick, Fortman, and Rodriguez, whether taken alone, or in any reasonable combination, for at least the reasons given with respect to claims 43.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 44 under 35 U.S.C. § 103 based on Dahlen, Aktas, Henrick, Fortman, and Rodriguez.

Rejection under 35 U.S.C. § 103 Based on  
Dahlen, Aktas, Rodriguez, and Arumainayagam

Claims 51 and 53 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Dahlen in view of Aktas, further in view of Rodriguez, and further in view of Arumainayagam. The rejection is respectfully traversed.

Claims 51 and 53 depend from claim 1. Applicants note that the Examiner rejects claim 1 based on Dahlen in view of Aktas, and does not apply Rodriguez in rejecting claim 51 or cite particular portions of Rodriguez for support in rejecting claim 53. Thus, the rejection of claims 51 and 53 based on Dahlen in view of Aktas, further in view of Rodriguez, and further in view of Arumainayagam is improper.

In any event, without acquiescing in the rejection, the disclosures of Rodriguez and Arumainayagam do not remedy the above-identified deficiencies in the disclosures of Dahlen and Aktas with respect to claim 1. Thus, claims 51 and 53 are patentable over Dahlen, Aktas, Rodriguez, and Arumainayagam, whether taken alone, or in any reasonable combination, for at least the reasons given with respect to claim 1.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 51 and 53 under 35. U.S.C. § 103(a) based on Dahlen, Aktas, Rodriguez, and Arumainayagam.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of the pending claims.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise which could be eliminated through discussions with Applicants' representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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